

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCORPIO 8283 LLC,	:
	:
	:
Plaintiff,	:
	:
-against-	: No. 08 CV 510 (CLB)
	: FILED BY ECF
	:
MYCA, LLC and 2220 EQUITIES MANAGEMENT	:
LIMITED PARTNERSHIP,	:
	:
Defendants.	:
	:

MYCA, LLC'S RESPONSE TO
PLAINTIFF'S LOCAL RULE 56.1 STATEMENT

Defendant MYCA, LLC (“MYCA”), by and through its undersigned counsel, states the following responses to the allegations set forth in Plaintiff’s Local Rule 56.1 Statement:

1. *Allegation:* Court-Martine Associates (the “Partnership”) is a New York general partnership. (See Cplt. ¶ 1; Allan Decl. ¶ 1.)

Response: Admitted.

2. *Allegation:* Plaintiffs and Defendants all are partners in the Partnership and there are no other partners in the Partnership. (See Cplt. ¶ 17; Allan Decl. ¶¶ 1, 3, 5.)

Response: Admitted.

3. *Allegation:* The partners of the Partnership have been in a state of sharp discord regarding the way in which to conduct the Partnership’s affairs. (See Cplt. ¶¶ 21-24; Allan Decl. ¶ 9.)

Response: Disputed. The partners have been in a state of sharp discord over the “management and day-to-day operations” of the properties with which Grant has been intimately involved. (Defendants’ MYCA, LLC’s And 2220 Equities Management Limited Partnership’s Local Rule 56.1 Statement Of Undisputed Material Facts In Support Of Defendants’ Joint Motion For Summary Judgment, ¶¶ 24-25; Plaintiffs’ Counter Statement Pursuant to Rule 56.1 In Opposition To Defendants’ Motion For Partial Summary Judgment, ¶¶ 24-25.) MYCA has

disagreed with Grant over a number of matters affecting the partnerships and their properties, including, *inter alia*, insurance, leasing, capital expenditures, and the fees collected by Minskoff Grant Realty & Management Corp. (Declaration Of Sara Minskoff Allan In Support Of Defendants' Joint Motion To Dismiss The Complaint, dated February 28, 2008 ("Allan Decl."), ¶ 9; *see also* Declaration Of Sara Minskoff Allan In Further Support Of Defendants' Joint Motion To Dismiss The Complaint And In Opposition To Plaintiff's Cross-Motion For Summary Judgment, dated April 17, 2008 ("Allan Reply Decl."), ¶¶ 7, 9-19) MYCA also believes that Grant and her company do not provide it with sufficient information about matters affecting the partnerships and their properties and are not responsive to MYCA's questions, concerns or interests. (*Id.*) In some circumstances, Grant has failed or refused to provide MYCA with sufficient information for MYCA to be able to determine what actions Grant and her company are taking or have taken with respect to the properties, and whether the properties are being managed in the best interests of the partnerships. (*Id.*)

4. *Allegation:* There has been broad recognition among the partners that the Partnership cannot continue to operate constructively in its present form. (See Grant Aff. ¶ 3.)

Response: Disputed. MYCA and 2220 Equities Management Limited Partnership are a majority of the Partnership. (Allan Decl., ¶¶ 9-14; Allan Reply Decl., ¶ 3.) The majority continues to make decisions on behalf of the Partnership. (Allan Decl., ¶¶ 11-13; Allan Reply Decl., ¶ 4, Ex. A.)

Dated: April 17, 2008

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

By: 

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Counsel for defendant MYCA, LLC

CERTIFICATE OF SERVICE

I, Michael D. Lockard, an attorney with the law firm of Akin Gump Strauss Hauer & Feld, hereby certify that on this 17th day of April 2008, I caused to be served, via email delivery a copy of (1) the Declaration Of Michael D. Lockard In Further Support Of Defendants' Joint Motion To Dismiss The Complaint And In Opposition To Plaintiff's Motion For Summary Judgment; (2) the Declaration Of Sara Minskoff Allan In Further Support Of Defendants' Joint Motion To Dismiss The Complaint And In Opposition To Plaintiff's Cross-Motion For Summary Judgment; (3) MYCA, LLC's Reply Memorandum Of Law In Further Support Of Defendants' Joint Motion To Dismiss The Complaint And In Opposition To Plaintiff's Cross-Motion For Summary Judgment; and (4) MYCA, LLC's Response To Plaintiff's Local Rule 56.1 Statement to:

WILLKIE FARR & GALLAGHER
Thomas H. Golden
787 Seventh Avenue
New York, New York 10019

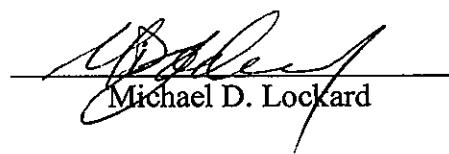
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-and-

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2220 Equities Management Limited Partnership*

Dated: New York, New York
April 17, 2008



Michael D. Lockard